

BOARD OF INQUIRY
WATERVIEW CONNECTION PROPOSAL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a Board of Inquiry appointed under s149J of the Resource Management Act 1991 to consider applications by New Zealand Transport Authority for resource consents and notices of requirement for the Waterview Connection Proposal.

THE BOARD OF INQUIRY

Environment Judge L Newhook
Commissioner R Dunlop
Alan Dormer
Susan Jackson
Gerry Te Kapa Coates

MINUTE AND DIRECTIONS OF THE BOARD

1. On Saturday the 18th of September 2010 the Environmental Protection Authority notified the Minister for the Environment's direction to refer the applications for resource consents and notices of requirement for the Waterview Connection Proposal to this Board of Inquiry.
2. Under s149R of the Resource Management Act, the Board must make its decision on the matters and produce a final report within nine calendar months after public notification, namely the 17th day of June 2011. Submissions to the Environmental Protection Authority had to be filed by Friday 15 October 2010.
3. Following the closing date for the filing of submissions, the Board has confirmed the timetable for subsequent steps in the Inquiry contained in the September public notice, as set out below:

Timetable

4. A tentative timetable was provided in the public notice. This direction confirms that timetable with a change to the wording of the fourth item in the timetable below:

Public notification	18 September 2010
Close of submissions	15 October 2010
NZTA's evidence in chief exchanged	15 November 2010
Submitters' – All evidence exchanged*	17 December 2010
NZTA's rebuttal evidence exchanged	4 February 2011
Hearing	7 February 2011
Final Board decision and report	17 June 2011

* The September notice said "expert evidence", and no provision was made for the exchange of "non-expert evidence". That is now clarified by this direction for exchange of all evidence by and on behalf of submitters on 17 December 2010.

Explanatory Note:

- a) Evidence – evidence (expert or non-expert) is statements made at the hearing that tend to prove facts in issue, or facts from which facts in issue may be inferred. This can also include opinions by expert witnesses.
- b) Witness – a person who gives evidence to the Board.
- c) Expert Evidence - An expert witness will be expected by the Board to comply with the Environment Court Consolidated Practice Note 2006 – Expert Witness Code of Conduct (available at the following website - <http://www.justice.govt.nz/courts/environment-court/legislation-and-resources/practice-notes/expert-witness.html>). These requirements include stating the relevant qualifications of the expert and a duty to the Court to be independent and not an advocate for the party who engages the witness.
- d) Non-expert Evidence - Non-expert evidence therefore must meet the criteria for 'evidence' (i.e. is based on fact) and is otherwise admissible, but is from someone who does not meet the criteria for 'expert'.
- e) Representation - In addition to the above submitters or their lawyers or other representatives may also commence their presentation for the Board by making a representation (or what are often called "submissions" - essentially advocacy of their position). The Board already has a copy of all earlier written submissions and submitters need not provide these again or read them out at the hearing. Submitters wishing to make additional representations should provide 10 copies at the time they appear at the hearing.

For the Board:

Judge L Newhook

Chairman - Waterview Connection Proposal Board of Inquiry